

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DAVID DERRINGER,

Plaintiff,

vs.

Civ. No. 02-1075 MV/WDS

NEW MEXICO SUPREME COURT,  
THOMAS C. TURNEY, JUDGE EDMUND  
KASE III, WAYNE G. CANON, and  
MICKEY and JENNIFER CHAPEL, husband  
and WIFE,

Defendants.

CONSOLIDATED WITH

DAVID DERRINGER,

Plaintiff,

vs.

Civ. No. 03-0090 JP/DJS

JOHN D'ANTONIO, New Mexico State  
Engineer, JOSEPH MANGES, MICKEY  
CHAPEL, and JENNIFER CHAPEL,

Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on Plaintiff's Motion for Sanctions Against  
Defendants John D'Antonio, New Mexico Supreme Court, Edmund Kase III, Wayne Canon,

Thomas Turney and Attorney Sean Olivas, filed May 28, 2003 [**Doc. No. 51**].


On May 1, 2003, Defendants' counsel sent Plaintiff a letter informing him that Defendants were planning to file a motion to stay discovery based on their assertions of immunity and seeking Plaintiff's position on the proposed motion. Plaintiff responded in writing that he opposed the proposed motion. On May 12, 2003, prior to Defendants filing their proposed motion, the parties attended a scheduling conference before Magistrate Judge Schneider. At this conference, Defendants informed the judge that they were pleading absolute and qualified immunity and therefore were entitled to a stay. The parties disagree on whether Defendants stated that they were entitled to a stay of all proceedings or a stay of discovery. Plaintiff indicated that he was opposed to such a stay. Magistrate Judge Schneider requested that Defendants file their motion to stay within the week. On May 19, 2003, Defendants filed a motion to stay all proceedings pending resolution of their motion to dismiss based on qualified immunity, which was granted by Magistrate Judge Schneider on June 5, 2003. Plaintiff's instant motion seeks sanctions against Defendants and their attorney because Defendants requested his consent on a motion to stay discovery but filed a motion to stay all proceedings and because Magistrate Judge Schneider did not authorize Defendants to file a motion to stay all proceedings.

The Court finds Plaintiff's motion to be without merit. Even assuming the facts as Plaintiff asserts them, the alleged conduct of Defendants does not warrant the imposition of sanctions.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Sanctions Against Defendants John D'Antonio, New Mexico Supreme Court, Edmund Kase III, Wayne Canon,

Thomas Turney and Attorney Sean Olivas, filed May 28, 2003, [Doc. No. 51] is **DENIED**.

Dated this 29th day of March, 2004.

  
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MARTHA VAZQUEZ  
U. S. DISTRICT COURT JUDGE

Attorney for Plaintiff:

David Derringer, *pro se*

Attorneys for Defendants New Mexico

Supreme Court, Judge Edmund Kase III,

Thomas C. Turney and Wayne G. Canon:

Sean Olivas, Esq.

Kasey R. Daniel, Esq.